

## UNITED STATES DISTRICT COURT

OCT - 4 2011

for the  
Southern District of Texas

David J. Bradley, Clerk

United States of America )

v. )

Samantha RODRIGUEZ YOB: 1990 USA )

Jake ANDREATOS YOB: 1987 USA )

Ismael RIVERA-MELENDEZ YOB: 1988 MEXICO )

Case No. *M-11-2788-M**Defendant*

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 10/03/2011 in the county of Hidalgo in the Southern District of  
Texas, the defendant violated TITLE 18 U. S. C. § Section 371 to wit: 924(A)(1)(a)  
 , an offense described as follows:

It shall be unlawful for two or more persons to conspire either to commit any offense against the United States, or to defraud the United States, or any agency thereof in any manner or for any purpose to wit:  
 Title 18, U.S.C., Section 924 (a)(1)(A): unlawful for any person to knowingly make any false statement or representation with respect to the information required to be kept in the records of a licensed Federal firearms dealer.

This criminal complaint is based on these facts:

SEE ATTACHMENT A

☒ Continued on the attached sheet.

*Approved to File*  
*Terry L. Ormsby*  
*Asst. U.S. Attorney*

*Misty R. Waytes*  
 Complainant's signature

Misty R. Waytes, ATF Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date:

*October 4, 2011 9:42 a.m.*

Judge's signature

City and state:

*McAllen, Texas*

Peter E. Ormsby

Printed name and title

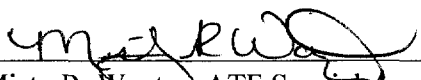
**ATTACHMENT A**

I, Special Agent Misty R. Waytes, affiant, do hereby depose and state the following:

1. I am a Special Agent of the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives. I have been a law enforcement officer for over six years.
2. My duties include the investigation of violations of the Federal firearms laws. I know it to be unlawful for any person who is convicted of a crime with a punishment exceeding one year to possess firearms and/or ammunition. The facts establishing the foregoing issuance of an arrest warrant are based on the following:
3. On Monday October 3, 2011 Officers assigned to the Hidalgo County Sheriff's Department Narcotics Unit observed a Hispanic male, later identified as Ismael RIVERA-MELENDEZ an illegal alien, conduct what appeared to be a narcotics transaction with a female, later identified as Samantha RODRIGUEZ, who was driving a Honda SUV. RODRIGUEZ's vehicle, which was occupied by a subject later identified as Jake ANDREATOS, then left the scene and drove to the Federal Firearms Licensee The Armory located in McAllen, Texas. Officers conducted a stop on RIVERA-MELENDEZ and after having his advisements read RIVERA-MELENDEZ stated that he had given money to the female in the vehicle (Samantha RODRIGUEZ) and that the money was to be used to acquire an AK-47 type rifle for RIVERA-MELENDEZ who could not purchase the rifle because he is an undocumented alien. RIVERA-MELENDEZ stated that the firearm was to be delivered to him shortly in a parking lot off of Jackson Road in Pharr Texas.
4. Shortly thereafter on this same date the Honda SUV driven by Samantha RODRIGUEZ and occupied by Jake ANDREATOS arrived at the location. Pharr Police Officers conducted a stop of the vehicle. After being advised of her rights Samantha RODRIGUEZ gave Pharr P.D. Officers written consent to search her vehicle. Upon searching the vehicle two AK-47 type rifles were found. RODRIGUEZ stated Jake ANDREATOS had just purchased the firearms and that she (RODRIGUEZ) had driven ANDREATOS to the Federal Firearms Licensee The Armory located in McAllen, Texas so that ANDREATOS could purchase the firearms for RIVERA-MELENDEZ. RODRIGUEZ stated that she knowingly drove ANDREATOS to the Federal firearms licensee so that ANDREATOS could straw purchase the firearm for RIVERA-MELENDEZ.

**ATTACHMENT A**

5. After having his advisement of rights read Jake ANDREATOS stated that he had purchased the firearms for RIVERA-MELENDZ and that he and RODRIGUEZ were on their way to give the firearms to RIVERA-MELENDZ when they were stopped by Officers. ANDREATOS stated that he was to be paid approximately 200 dollars for purchasing the firearms and that this was not the first time he had purchased straw purchased firearms for someone else. Therefore, admitting he was not the intended purchaser of the firearms.
6. Upon further investigation it was found that Ismael RIVERA-MELENDZ is an illegal alien unlawfully in this country.
7. Your affiant was contacted in reference to the aforementioned firearms violations.

  
Misty R. Waytes, ATF Special Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE

\_\_\_\_\_  
Peter E. Ormsby, United States Magistrate Judge

Date: \_\_\_\_\_